



05.26.04

Docket No. 4303-4003US5

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JFW

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Gregory Pinchasik et al.

Serial No. : 10/040,789 Group Art Unit: 3731

Filed : January 9, 2002 Examiner: Vy Q. Bui

For : **LONGITUDINALLY FLEXIBLE STENT**

Mail Stop \_\_\_\_\_  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO ELECTION REQUIREMENT**

Sir:

In response to the Official Action dated March 25, 2004 requiring an election of species, Applicants respectfully submit the following response. A petition and fee for a one-month extension of time is enclosed.

**I. The Examiner's Election Requirement**

The Examiner has stated that this application contains claims directed to the following patentably distinct species of the claimed invention:

Species I Figure 3.

Species II. Figure 5.

Species III. Figure 7.

Species IV. Figure 11.

The Examiner has required Applicants to elect a single disclosed species for prosecution. Claim 1 was noted by the Examiner as being generic.

**II. Applicants' Election of Species**

Applicants elect with traverse to pursue prosecution of the species corresponding to Species I, Figure 3. Claims 7-17 were cancelled and claims 18-60 added in an Office action dated January 16, 2003. The Applicants elect to pursue claims 18-21 and claims 55-60.

**III. Applicants' Traversal**

This election is made with traverse. Applicants respectfully submit that: (1) all claims are properly presented in the same application; (2) undue diverse searching should not be required since all the claims are in the same class; and (3) all claims should be examined together. For the foregoing reasons, it is respectfully submitted that the election requirement should be withdrawn and an action on the merits of all the claims is respectfully solicited.

If any issues exist, or if the Examiner has any suggestions for expediting allowance of the application, the Examiner is invited to contact the undersigned at (212) 415-8705.

**AUTHORIZATION**

The Assistant Commissioner is hereby authorized to charge any additional fees that may be required for this response to Deposit Account **13-4500**, Order No. **4303-4003US5**, and is hereby petitioned for any extension of time that may be required to make this response timely. **A DUPLICATE OF THIS SHEET IS ATTACHED.**

Respectfully submitted,

**MORGAN & FINNEGAN, L.L.P.**

Date: May 24, 2004

By: Keith J. McWha  
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